

#8/RCE
3/6/02
D

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 9, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|---------------|
| Application Number | 09/628,623 |
| Filing Date | July 31, 2000 |
| First Named Inventor | Turner |
| Group Art Unit | 1711 |
| Examiner Name | Woodward |
| Attorney Docket Number | 05015.0292U2 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other Form PTO-1449 _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other _____

3. Fees

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-0629.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.135b and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-----------------------------|-----------------------------------|-------------------|
| Name (Print/Type) | Jacqueline M. Hutter | Registration No. (Attorney/Agent) | 44,792 |
| Signature | <i>Jacqueline M. Hutter</i> | Date | February 28, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited via facsimile (703) 872-9311 transmitted to the U.S. Patent and Trademark Office addressed to: Commissioner For Patents, Washington, DC 20031.

| | | | |
|-------------------|-----------------------------|------|-------------------|
| Name (Print/Type) | Jacqueline M. Hutter | Date | February 28, 2002 |
| Signature | <i>Jacqueline M. Hutter</i> | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

03/06/2002 FAXED
01 FC:179

LAW OFFICES OF
NEEDLE & ROSENBERG, P.C.

PATENTS • TRADEMARKS • COPYRIGHTS

SUITE 1200

THE CANDLER BUILDING

127 PEACHTREE STREET, N.E.

ATLANTA, GEORGIA 30303-1811

U.S.A.

TELEPHONE: 404 • 688-0770

FACSIMILE: 404 • 688-9880

WEB SITE: www.needlepatent.com

WILLIAM H. NEEDLE
 SUMNER C. ROSENBERG
 LAWRENCE K. NODINE
 DAVID G. PERRYMAN
 MITCHELL A. KATZ
 GREGORY J. KIRSCH
 NAGENDRA SETTY
 ALLEN L. GREENBERG*
 GWENDOLYN D. SPRATT
 WILLIAM R. JOHNSON
 MARY L. MILLER, Ph.D.
 MITCHELL G. WEATHERLY
 CHARLES H. FALLS
 WILLIAM F. LONG

OF COUNSEL:
 LAWRENCE D. MAXWELL*

*NOT ADMITTED IN GEORGIA

PATRICIA L. ADES*
 BRUCE H. BECKER, M.D.
 KEAN J. DECARLO
 LA VONDA R. DE WITT
 NANCY K. GARDNER*
 CHRISTOPHER O. GREEN
 DAVID B. HUIZENGA, Ph.D.
 JACQUELINE M. HUTTER
 DAVID S. KERVEN, Ph.D.
 THAD C. KODISH
 TINA W. MCKEON, Ph.D.
 BRIAN C. MEADOWS
 JENNIFER PEARSON MEDLIN*
 MARK A. MURPHY, Ph.D.
 WENDELL A. PESTE, JR.*
 MARK L. SEIGEL
 TIM TINGKANG XIA, Ph.D.
 BERNARD L. ZIDAR

PATENT AGENTS:
 SHARI J. CORIN, Ph.D.
 WESLEY B. DERRICK, Ph.D.
 LIZETTE M. FERNANDEZ, Ph.D., M.B.A.
 ROBERT A. HODGES, Ph.D.
 LAWRENCE A. VILLANUEVA, Ph.D.

SCIENCE ADVISOR:
 CHRISTOPHER L. CUREFMAN, Ph.D.
 BRIAN D. MACDONALD, Ph.D.

*NOT ADMITTED IN GEORGIA

February 28, 2002

IMPORTANT NOTICE

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE TO:

NAME: Examiner: A. Woodward
 GROUP ART UNIT: 1711/APP. SERIAL NO. 09/628,623
 COMPANY: USPTO
 FAX NO.: 703-872-9311

FAX RECEIVED
 FEB 28 2002
 GROUP 1700
Official

FROM: Jacqueline M. Hutter

OUR REF. NO.: 05015.0292U2

RETURN FAX NO.: (404) 688-9880

OF PAGES TRANSMITTED: 16
 (INCLUDING COVER SHEET)

PLEASE NOTIFY US IMMEDIATELY IF NOT RECEIVED PROPERLY.
 THANK YOU.

CONFIDENTIALITY NOTE

THE INFORMATION WHICH FOLLOWS AND IS TRANSMITTED HERewith IS ATTORNEY PRIVILEGED, TRADE SECRET AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE VIEWING AND USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, COMMUNICATION, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS.